

REMARKS

Claim 2 has been canceled. Claims 4 and 6, and amended claims 1, 3 and 5 are in this application.

The Examiner objected to claims 1 and 3. Claims 1 and 3 as presented herein are believed to overcome such objections.

Claims 1 and 3-5 were rejected under 35 U.S.C. 102(b) as being anticipated by Yano et al., U.S. Patent No. 6,711,594.

Amended independent claim 1 recites in part the following:

"a detection circuit for detecting an optimum file size of digital data for storage as a file into the external storage unit." (Emphasis added.)

It is respectfully submitted that Yano as applied by the Examiner does not appear to disclose the above features of claim 1. That is, in discussing the above rejection with regard to claim 5, the Examiner appears to rely on lines 19-32 of column 8 of Yano. (See page 6, lines 10-14 of the present Office Action.) As best understood, such portion of Yano does not appear to disclose "a detection circuit for detecting an optimum file size . . . ," as in claim 1.

Accordingly, it is respectfully submitted that claim 1 is distinguishable from Yano as applied by the Examiner and, as such, it is respectfully requested that the above 102 of claim 1 be withdrawn. Since claims 3-5 depend from claim 1, it is also respectfully requested that the above 102 of claims 3-5 be withdrawn for at least the same reasons.

Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Yano et al. as applied to claims 1 and 3-5

above, and further in view of Murty et al., U.S. P.G. Publication 2003/0084290.

Claim 6 depends from claim 1. As such, it is respectfully submitted that claim 6 is distinguishable from Yano as applied by the Examiner for at least the reasons previously described. The Examiner does not appear to have relied on Murty to overcome the above-described deficiencies of Yano. Accordingly, it is respectfully submitted that claim 6 is distinguishable over the applied combination of Yano and Murty and, as such, it is requested that the above 103 of claim 6 be withdrawn.

As it is believed that all of the rejections set forth in the Official Action have been overcome, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections and/or rejections which the Examiner might have.

If there are any charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: May 7, 2007

Respectfully submitted,

By 
Dennis M. Smid, Esq.

Registration No.: 34,930
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant

761911_1.DOC